

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ODONGO DONZIE DEVERO

: CIVIL ACTION

v.

: No. 18-1139

THERESA DELBALSO, et al.

**ORDER**

AND NOW, this 2nd day of April, 2019, upon careful and independent consideration of Petitioner Odongo Donzie Devero's pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus and the response thereto, and after de novo review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, to which no objections have been filed,<sup>1</sup> it is ORDERED:

1. The Report and Recommendation (Document 16) is APPROVED and ADOPTED;
2. Devero's Petition (Document 1) is DENIED with prejudice and DISMISSED without an evidentiary hearing; and
3. Devero having failed to make a substantial showing of the denial of a constitutional right, or that reasonable jurists would disagree with this Court's determination, a certificate of appealability shall not issue. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

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<sup>1</sup> The Report and Recommendation was sent to all parties of record on February 5, 2019, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. *See* Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B) . . . within fourteen (14) days after being served with a copy thereof."). To date, no objections have been received by the Court.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.